

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

FREDERICK J. WILLIAMS,

Petitioner,

v.

MONROE CORRECTIONAL CENTER,

Respondent.

CASE NO. 2:23-CV-00599-JHC-GJL

ORDER TO AMEND § 2254
PETITION

The District Court referred this action to United States Magistrate Judge Grady J. Leupold. Petitioner Frederick J. Williams has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. Dkt. 1. Having reviewed the Petition, the Court declines to order Respondent to file an answer as the Petition does not comply with the Rules Governing Section 2254 Cases. The Court, however, provides Petitioner leave to file an amended Petition by June 26, 2023, to cure the deficiencies identified herein.

Under Rule 2(a) of the Rules Governing Section 2254 Cases, “the petition must name as respondent the state officer who has custody.” Moreover:

[t]he petition must: (1) specify all the grounds for relief available to the petitioner; (2) state the facts supporting each ground; (3) state the relief requested; (4) be printed, typewritten, or legibly handwritten; and (5) be signed under penalty of perjury by the petitioner or person authorized to sign it for the petitioner under 28 U.S.C. §2242.

Rule 2(c), § 2254 Rules. The Petition must also “substantially follow” a form prescribed by the local district court or the form attached to the Rules Governing Section 2254 Cases. *Id.* at Rule 2(d).

The Petition does not comply with the Rules Governing Section 2254 Cases. Dkt. 3. Petitioner filed a handwritten Petition that is difficult to decipher. *See* Dkt. 3. Petitioner has also failed to:

- 1) Name the state officer who has custody over Petitioner;¹
- 2) State facts supporting each ground for relief; and
- 3) Substantially follow the Court’s 2254 form.

If Petitioner intends to pursue this § 2254 action, he must file an amended Petition on the form provided by the Court. The amended Petition must be legibly written or typed in its entirety. It should be an original, not a copy. It should contain the case number, and it may not incorporate any part of the original Petition by reference. The amended Petition shall operate as a complete substitute for the original Petition. The amended Petition must name the correct Respondent, answer the questions on the form to the best of Petitioner’s ability, and specify the facts underlying Petitioner’s grounds for relief.

If Petitioner fails adequately address the issues raised herein and file an amended Petition on or before **June 26, 2023**, the undersigned will recommend dismissal of this action.

¹ Petitioner names “Monroe Correctional Center” as Respondent, but the proper Respondent in a § 2254 action is the person having custody over Petitioner (such as the superintendent), not the institution where he is incarcerated. Dkt. 3 at 1; *see also* Rule 2(a).

1 The Clerk is directed to provide Petitioner with the appropriate forms for filing a petition
2 for habeas corpus relief pursuant to 28 U.S.C. § 2254.

3 Dated this 26th day of May, 2023.

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6 Grady J. Leupold
7 United States Magistrate Judge
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